THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.Nos.16495 of 1996 and 3444 of 2005

DATED: 19-06-2007

W.P.No.16495 of 1996:

Between:

A. Venkata Rao and another

.. Petitioners

and

The Commissioner Endowments, Hyderabad and another.

.. Respondents

W.P.No.3444 of 2005:

Between:

A. Venkata Rao and another

.. Petitioners

and

The State of A.P. rep. by its Secretary to the Higher Education Department, Secretariat, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.Nos.16495 of 1996 and 3444 of 2005

COMMON ORDER:

W.P.No.16495 of 1996:

This writ petition is filed seeking a mandamus directing the respondents to constitute a selection committee strictly in terms of the directions issued on the subject by the Government and subject the case and claim of all the eligible lecturers in Sri Satya Deva Junior College, Annavaram, East Godavari District, for recruitment to the posts of Lecturers in Sri V.V. Satya Deva Degree College, Annavaram and select and promote the suitable amongst them.

It appears, the petitioners are working as Junior Lecturers in Sri Satya Deva Junior College, Annavaram, East Godavari District. It is their grievance that when an unaided Degree College is started by the management of the Junior College and when recruitment is taken up in that College, their cases were not considered for being absorbed against unaided vacancies in the said Degree College. They rely on G.O.Ms.No.127 Education (CE.I) Department, dated 07.06.1993, according to which, out of the four vacancies of Lecturers in Degree Colleges, the 1st, 2nd and 3rd vacancies in each department shall be filled by recruitment by transfer from among the eligible, qualified and suitable Junior Lecturers under the same management and in the absence of such Junior Lecturers by direct recruitment, 4th vacancy shall be filled by direct recruitment. But, according to the petitioners, all the four vacancies in the Degree College are being filled up by direct recruitment only.

The respondents filed a detailed counter-affidavit denying the allegations made by the petitioners. It is asserted that the instructions issued in G.O.Ms.No.127, dated 07.06.1993, are not applicable for the purpose of promotion of Lecturers from Junior College aided posts to unaided posts in the Degree College.

Admittedly, the posts in the Degree College are not admitted to grant-in-aid. A perusal of the G.O. does not indicate that the Junior Lecturers working in aided Junior College are entitled for absorption into unaided vacancies in the Degree College. It appears to be very strange that the petitioners, who are working in aided posts, are seeking appointment against unaided posts of Lecturers in a Degree College. Though the said Degree College is being run by the same management, since it is an unaided college, the procedure under G.O.Ms.No.127, dated 07.06.1993, is not applicable. Simply because the Degree college was established under the same management, the petitioners are not entitled for absorption into 1st, 2nd and 3rd vacancies of Lectures in the unaided Degree College automatically, as per G.O.Ms.No.127 dated 07.06.1993.

Further, it appears, after examining the issue in detail, the petitioners were asked to give an undertaking that they will not claim any right in future, after being considered for appointment into the unaided posts in degree colleges. But, the learned counsel for the petitioners states that the petitioners are not willing to furnish any such undertaking.

For all the above reasons, the writ petition is devoid of merits and is liable to be dismissed.

The writ petition is, accordingly, dismissed. No costs.

W.P.No.3444 of 2005

In view of the reasons stated in the above writ petition, this writ petition is also liable to be dismissed and accordingly dismissed. No costs.

C.V. RAMULU, J

19th June, 2007.
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